

REMARKS

This is intended as a full and complete response to the Office Action dated April 27, 2007, having a shortened statutory period for response set to expire on July 27, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-20 are pending in the application. Claims 1-20 remain pending following entry of this response. Claims 1-2, 5-6, 12-14, 17-18 and 19-20 have been amended. Applicant submits that the amendments do not introduce new matter.

Claim Objections

The Examiner objects to Claims 2, 5 and 13-14 asserting that the claim term "if so" is ambiguous MPEP § 608.01(o). Claims 2, 5 and 13-14 have been amended to address any latent ambiguity. Accordingly, Applicant requests that this objection be withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claims 1, 6, 12, and 17 rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 6, 12 and 17 have been amended to address the concerns raised by the Examiner. Accordingly, Applicants submit claims 1, 6, 12 and 17 comply with the requirements of 35 U.S.C. § 112, second paragraph and, therefore, respectfully requests that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 1-20 rejected under 35 U.S.C. 102(e) as being anticipated by *Serkin et al.* (U.S. Publication 2003/0229567, hereinafter, "*Serkin*"). Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Serkin* fails to teach each and every element of the rejected claims. For example, regarding amended claim 1, *Serkin* fails to teach a computer-implemented method for dynamically scaling order processing in a securities exchange that includes monitoring a volume of orders related to a security received at a securities exchange. And that further includes, based on the monitored volume, varying the number of books maintained for the security, distributing orders related to the security among the books and balancing the monitored order volume among the books, as recited by claim 1. In rejecting claim 1, the Examiner cites *Serkin*, ¶ 47. This paragraph provides:

Since additional securities processors can be added to system 10 to accommodate higher trade volumes, computerized trading system 10 is scalable. For example, if administrator 62 decided that the load level of all six securities processors were too high and, therefore, reassigning securities from one securities processor to another would not free up any bandwidth, a seventh securities processor can be added to system 16. This new securities processor would be given a unique address or identifier and look-up table 50 would be modified so that one or more securities are assigned to this newly added securities processor.

Serkin, ¶ 47. Clearly, this passage describes actions of an administrator configuring a system with multiple "securities processors." However, nothing in this passage discloses a computer-implemented method that includes, based on a monitored volume of orders for a security, varying the number of books maintained for the security, distributing orders related to the security among the books, and balancing the monitored order volume among the books. Instead, it describes an administrator adding a "securities processor" to a system "to accommodate higher trade volumes."

At best, *Serkin* teaches that it is possible for the administrator to assign securities to various processors, possibly taking into consideration volume. Thus, *Serkin* does not teach a computer implemented method for varying the number of books maintained for the security based on a monitored volume of orders. Further, Claim 1 has been amended to include an additional limitation of balancing the monitored order volume among the books. *Serkin* fails to teach this limitation. Accordingly, for the reasons stated above, claim 1 and its dependents are believed to be allowable and allowance of these claims is respectfully requested.

Similarly, *Serkin* fails to teach each and every element of claim 12. For example, *Serkin* fails to teach the use of a program which monitors a volume of orders related to the security received at the exchange. At best, *Serkin* describes that an administrator could monitor the volume of orders. *Serkin* does not disclose that the monitoring would be initiated by a program. Additionally, *Serkin* fails to teach that a program varies the number of books maintained for the security based on the monitored volume of orders. At best, *Serkin* discloses that an administrator may decide to reassign securities from one securities processor to another, taking into consideration volume. *Serkin* does not a program configured to perform the operations recited by claim 12. For these reasons, claim 12 and its dependents are believed to be allowable and allowance of the claims is respectfully requested.

Serkin also fails to teach each and every element of claim 17. For example, *Serkin* does not teach an executable component configured to allocate resources by monitoring a volume of orders related to the security received at the exchange. At best, *Serkin* teaches the use of an executable component that includes a securities lookup process which allocates securities to their designated securities processor. *Serkin* does not disclose that the allocation process takes into consideration monitored volume of orders, or that the allocation exchange varies the number of books based on volume.

Additionally, *Serkin* fails to teach that varying the number of books maintained for the security based on the monitored volume orders is part of the allocation exchange. At best, *Serkin* discloses that an administrator may create a new securities exchange,

but does not disclose that this is part on an executable component. Therefore, claim 17 and its dependents are believed to be allowable and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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